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In re Application of :
DuToit et al. :
Application No.: 09/979,586 :
PCT No.: PCT/IB00/00739 :
Int. Filing Date: 22 May 2000 :
Priority Date: 20 May 1999 :
Attorney Docket No.: 8436.88USWO :
For: Variable Phase Shifter :

DECISION

This is a decision on the "Request For Reconsideration Of Petition Under 37 C.F.R. § 1.497(d)" filed on 20 February 2003.

BACKGROUND

In a Decision mailed on 04 February 2003, applicants' papers under 37 CFR 1.497(d) filed on 07 June 2002 were not accepted on the basis that the signed declarations filed on 08 May 2002 failed to satisfy 37 CFR 1.497 because applicants had not filed complete copies of each of the declarations as signed by the inventors. Instead, the declaration appeared to have been assembled from selected parts of the declarations as signed. Applicants were required to provide complete copies of the declarations as signed. Also, the declaration was deemed deficient in that the first name of the first listed inventor ("Cornelis" or "Cornelia") differed from that appearing on the face of the published international application ("Cornelius").

DISCUSSION

The papers filed on 20 February 2003 include complete copies of the declarations as signed by the inventors. With respect to the discrepancy between the name of the joint inventor first named in the declaration (Cornelis Frederik Du Toit) whose first given name differs from the name (Cornelius) named in the published international application, counsel asserts that the discrepancy arose from a mere typographical error in the declaration as filed, and has submitted an Application Data Sheet correcting the error. Under the policy explained at MPEP 201.03, in the event of a mere typographical error in an inventor's name, it is sufficient to notify the USPTO of the error. A new oath or declaration is not required. As such, petitioner has overcome the objection to the discrepancy in the spelling of Mr. Du Toit's name.

For the reasons explained above, it would now be appropriate to accept the papers under 37 CFR 1.497(d).

CONCLUSION

The papers filed under 37 CFR 1.497 (d) are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of the application under 35 U.S.C. 371 (c)(1), (2) and (4) is 20 February 2003.



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